

**REMARKS:**

In the Office Action mailed on November 6, 2004, the Examiner allowed claims 183-242 and rejected claims 243-246 under 35 U.S.C. § 102(b) over Nicolson et al U.S. Patent No. 5,649,811. ("Nicolson '811 Patent"). The courtesy of the Examiner in allowing claims 183-242, believed to be claims 159-242, is appreciated.

For avoidance of doubt, the examiner is requested to indicate that pending claims 159 to 182 are also in condition for allowance, as reflected in the examiner's Notice of Allowability of December 2, 2002. Applicants believe that the omission of claims 159 to 182 as allowable was inadvertent, and have interpreted the Office Action as allowing these claims.

Applicant respectfully requests reconsideration of the pending claims in view of the above amendments to the claims and the following remarks.

In particular Applicants have made minor amendments to the claims marked "currently amended", as reflected above, to clarify the fact that superscripts are present in appropriate claims, and correct typographical errors.

**THE REJECTION OF CLAIMS 243-246 IS OVERCOME AS THE NICOLSON '811 PATENT IS NOT PRIOR ART UNDER 35 U.S.C. § 102(b)**

The Nicolson '811 Patent, SN 08/682,452, does not qualify as prior art. The Nicolson '811 Patent is a parent application of the present application as indicated in the filing receipt. Clearly, priority of SN 08/682,452 was claimed upon the August 17, 2000 filing date of the present application and such priority was granted by the filing receipt where the SN 08/682,452

application, now the Nicolson '811 Patent, is specifically identified. Accordingly, withdrawal of the rejection under claims 243-246 under 35 U.S.C. § 102(h) is requested.

New claims 247 to 258 claim a species of the invention. In particular, independent claim 247 claims a lens having a specific ionoperm polymerizable material, with the lens having a extended period of wear of 24 hours without substantial lipid adsorption. Dependant claims 248 to 258 depend on independent claim 247.

A notice of allowance is solicited.

For avoidance of doubt, applicants' additionally petition for an extension of time under 37 C.F.R. §1.136, which is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account Number 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT, WILL & EMERY

  
Kenneth L. Cape  
Registration No. 26,151

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 KLC:led  
Date: May 6, 2004  
Facsimile: (202) 756-8087